

11/19/99  
JCS68 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Docket No. MELO 103 DIV I

Prior Application:

Examiner: S. Gilbert

Art Unit: 3736

A  
JCS68 U.S. PTO  
09/442284  
11/19/99

Name Bobby May  
(typed or printed)

Signature Bobby May  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

BET  
3-30-00  
#21 PRE  
AMDT  
A

This is a request for filing a [ ] continuation  
[X] divisional application of pending prior application Serial No.  
08/936,058 filed on September 23, 1997 for Intraluminal Radiation  
Treatment System.

1. Enclosed is a copy of the prior application, including the oath or declaration as originally filed.

I hereby verify that the attached papers are a true copy of prior application Serial No. 08/936,058 as originally filed on September 23, 1997 and further that this statement is made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

COMM-FED-11/19/99

2. ☒ The filing fee is calculated below pursuant to the claims ~~at~~ filed in the prior application:

a. ☒ less any claims canceled by Amendment below.

b. ☐ after entering the attached Preliminary Amendment.

☒ Small Entity

For	Number Filed	Number Extra	Rate	Fee
Total Claims	7	-	x \$ 9	\$
Independent Claims	4	1	x \$39	\$ 39.00
Multiple Dependent Claims (minimum fee - additional charge may be due under total claim calculation - See 37 CFR §§ 1.16(d) and 1.75(c))			\$130	
Basic Fee (minimum amount required)				\$380.00
Total Filing Fee				\$419.00

☐ Other than Small Entity

For	Number Filed	Number Extra	Rate	Fee
Total Claims	4	-	x \$18	\$ -
Independent Claims	2	1	x \$78	\$ -
Multiple Dependent Claims (minimum fee - additional charge may be due under total claim calculation - See 37 CFR §§ 1.16(d) and 1.75(c))			\$260	
Basic Fee (minimum amount required)				\$760.00
Total Filing Fee				

3. ☐ The Commissioner is hereby authorized to charged any additional fees which may be required, or credit any overpayment to Account No. 50/1039. A duplicate copy of this sheet is enclosed.
4. ☒ A check in the amount of \$419.00 is enclosed.
5. ☒ Cancel in this application original claims 1-18, 23-37, and 41 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing.)
- ☐ Enter the enclosed Preliminary Amendment prior to calculating the filing fee.
6. ☒ Amend the specification by inserting before the first line the sentence: --This is a ☐ continuation, ☒ division, of application Serial No. 08/936,058, filed September 23, 1999.--
- ☐ Amend the specification per the attached Preliminary Amendment.
7. ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by 37 C.F.R. § 1.138 and before payment of base issue fee.)

- ☐ New formal drawings are enclosed.
- ☐ Informal drawings are enclosed.
8. ☐ Priority of application serial no. \_\_\_\_\_  
filed on \_\_\_\_\_ in \_\_\_\_\_  
is claimed under 35 U.S.C. § 119.
- ☐ The certified copy of the priority application has  
been filed in prior application serial no. \_\_\_\_\_  
\_\_\_\_\_, filed \_\_\_\_\_.
9. ☒ With respect to the prior co-pending U.S.  
application from which this application claims  
benefit under 35 U.S.C. § 120 the inventor(s) in  
this application are:
- a. ☐ the same.
- b. ☒ less than those named in the prior  
application and it is requested that the  
following inventor(s) for the prior  
application be deleted: Martin B. Tobias  
\_\_\_\_\_  
\_\_\_\_\_.
10. ☐ The inventorship for all the claims in this  
application is:
- a. ☐ the same.
- b. ☐ not the same, and an explanation,  
including the ownership of the various  
claims at the time the last claimed  
invention was made, is submitted.

11. [ ] The prior application is assigned of record to  
Novoste Corporation.

12. [ ] The power of attorney in the prior application is  
to: Stephen B. Heller, registration no. 30,181 of  
Cook, Alex, McFarron, Manzo,  
Cummings & Mehler, Ltd.  
200 West Adams Street, Suite 2850  
Chicago, IL 60606

a. [ X ] The power appears in the original papers  
in the prior application.

b. [ ] Since the power does not appear in the  
original papers, a copy of the power in  
the prior application is enclosed.

c. [ X ] Address all future communications to:  
Stephen B. Heller  
Cook, Alex, McFarron, Manzo, Cummings  
& Mehler, Ltd.  
200 West Adams Street - Suite 2850  
Chicago, IL 60606

Respectfully submitted,

Date: 19 November 1999

Stephen B. Heller  
Stephen B. Heller  
Registration No. 30,181

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